

**RE: Matt Borges [BRICKER-WS.FID907160]**

Armstrong, Maria [marmstrong@bricker.com]

**Sent:** Friday, June 26, 2015 1:58 PM**To:** Brown, Mark**Cc:** Mark Kafantaris; Yano, Marjorie [MYano@bricker.com]; Zeiger, John [zeiger@litohio.com]; Tigges, Stephen [tigges@litohio.com]; Daniel P. Mead (mead@litohio.com); Bridget E. Coontz (bridget.coontz@ohioattorneygeneral.gov); Halli Watson (Halli.Watson@ohioattorneygeneral.gov); flevenson@acluohio.org; sarah.pierce@ohioattorneygeneral.gov; Parsell, Stuart [parsell@litohio.com]

Thank you for this response, Mark, and for your clarification as to the records sought. With this second clarification, I agree with you that the records sought are now narrowed to matters that are at least related to the proceedings in this case.

However, while I appreciate your explanation below and on the telephone, my legal research and analysis is leading me in a different direction on the issue of relevancy. Judge Watson's ruling (albeit a preliminary one) that it would not constitute state action even if the protest were filed on behalf of the ORP, and the strength of the rather significant body of law that supports such a conclusion, seem very compelling as a matter of law. Again, I appreciate your argument that the ruling below was a preliminary one, but I cannot imagine what information you could possibly obtain from Mr. Borges that would be relevant to the instant case. Along that same line, I remain puzzled by the fact that you filed (and have not withdrawn) a motion for summary judgment on this matter claiming that there are no material issues of fact remaining, yet continue to seek discovery.

As such, and pursuant to Civ. R. 45(d)(2)(B), Mr. Borges will not be producing any documents in response to your subpoena.

Maria

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**From:** Brown, Mark [mailto:MBrown@law.capital.edu]**Sent:** Thursday, June 25, 2015 2:51 PM**To:** Armstrong, Maria**Cc:** Mark Kafantaris; Yano, Marjorie; Zeiger, John; Tigges, Stephen; Daniel P. Mead (mead@litohio.com); Bridget E. Coontz (bridget.coontz@ohioattorneygeneral.gov); Halli Watson (Halli.Watson@ohioattorneygeneral.gov); flevenson@acluohio.org; sarah.pierce@ohioattorneygeneral.gov; Parsell, Stuart**Subject:** RE: Matt Borges [BRICKER-WS.FID907160]

Hi Maria,

This memorializes our phone conversation this morning. You are correct, Matt Carle should also be included in the list of named individuals whose communications with Mr. Borges about the Kasich campaign need not be disclosed unless they fall into any of the other limitations, (2) through (9).

You indicated in our most recent phone conversation that Plaintiffs' agreement to further restrict the subpoena has resolved your client's concerns about overbreadth and undue burden. You indicated, however, that you still have concerns about relevance. Should my explanation about relevance on the